

REMARKS

Claims 1-9 and 16-20 are in this application. Claims 1, 3, 4, 5, 7 and 9 were amended. Claims 16-20 are newly added. Applicant requests continued examination.

The specification was amended to more clearly describe the invention shown in the drawings.

Claims 1 and 4-7 were rejected under 35 USC §102 (b) as anticipated by *Griinke* (U.S. Patent No. 5,085,246). Applicant respectfully traverses.

Griinke is directed to a plural-rate surge-suppressing valve having a movable valve member 12, helical spring 14, an upstream fitting 16, a valve body 22, and a downstream fitting 40. The movable valve member 12 utilizes a plurality of tubular apertures 60, 62 and 64 that extend from the upstream face 52, through the valve member 12 to the downstream face 56. [col. 3, lines 30-37]. Tubular apertures 60 and 62 are shut off when flow pressure overcomes the spring tension 14 [col. 4, lines 41-48].

According to amended claim 1 of the present invention, the fluid flow control valve 11 includes an inlet socket 13 having a wall 17, transverse to fluid flow through the inlet socket 13, with a plurality of orifices 19 and 33, one of the orifices 33 being larger than the others and on the longitudinal axis of the inlet socket 13. The fluid flow control valve 11 also includes an outlet socket 15 having a wall 21, transverse to fluid flow through the outlet socket 15, with a plurality of orifices 23 and 35, one of the orifices 35 being larger than the others and on the longitudinal axis of the outlet socket 15. The outlet socket 15 is attached to the inlet socket 13 forming a chamber 22 between the wall 17 of the inlet socket 13 and the wall 21 of the outlet socket 15. A pressure check piston 29 is slidably engaging the longitudinal axis orifice 33 in the wall 17 of the inlet socket 13 and slidably engaging the longitudinal axis orifice in the wall

21 of the outlet socket 15. The pressure check piston has a first and second end with a fluid flow orifice between the first and second end.

Claim 1 of the present invention is distinguishable from the *Griinke* reference for several reasons. First, the *Griinke* reference fails to disclose, teach or suggest a wall transverse to fluid flow through the inlet socket and a wall transverse to fluid flow through the outlet socket, the two walls forming a chamber in the valve. As shown in FIG. 2 of the *Griinke* reference, the valve seat 48 is conical and does not transverse the fluid flow. While the downstream fitting 40 has a wall with an orifice, the movable valve member 12 does not slidably engage the orifice of the downstream fitting 40.

Second, the *Griinke* reference fails to disclose, teach or suggest an outlet or inlet socket with a plurality of orifices, where one of the orifices is larger than the others and on the longitudinal axis of the inlet socket. By contrast, the *Griinke* reference provides an upstream fitting 16 and a downstream fitting 40, each having one orifice only.

Accordingly, Applicants respectfully request that the rejection be withdrawn.

Claims 2-9 and 19 depend from Claim 1. Thus, these claims are patentably distinct from the *Griinke* reference for the same reasons advanced above with respect to Claim 1.

Claims 2, 3, 8 and 9 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Griinke* in view of *Terry* (U.S. Patent No. 5,215,113).

It should be noted that the burden of establishing a *prima facie* case of obviousness lies with the Patent Office. *In re Fine*, 5 USPQ2d 1596 (Fed. Cir. 1988) (stating: “The PTO has the burden under section 103 to establish a *prima facie* case of obviousness”). To establish a *prima facie* case of obviousness, (1) there must be some suggestion or motivation (either in the references themselves or in the knowledge generally available to one of ordinary skill in the art)

to combine the reference teachings; (2) there must be a reasonable expectation of success; and (3) the prior art reference must teach or suggest all the claim limitations. See *MPEP* §§ 2142-43.

We have already demonstrated the inadequacies of the *Griinke* reference. The *Terry* reference does supplement the deficiencies of the *Griinke* reference.

The Examiner noted that the *Terry* reference is cited simply “for the teaching it provides concerning the recited limitation of pressure seal only.” Thus, the combination of *Griinke* and *Terry* fails to disclose, teach or suggest an inlet socket having a wall, transverse to fluid flow, with a plurality of orifices. The combination of *Griinke* and *Terry* fails to disclose, teach or suggest an outlet socket having a wall, transverse to fluid flow, with a plurality of orifices. Moreover, the combination of *Griinke* and *Terry* fails to even suggest a chamber in the valve body formed by the walls.

Accordingly, Applicants respectfully request that the rejection be withdrawn.

Newly submitted claim 16 is the same as previously cancelled claim 10. Claim 16 is directed to a fluid flow control valve 11 that includes a first wall 17 at the inlet end of a housing 22 and a second wall 21 at the outlet end of the housing 22. The first wall 17 transverse to fluid flow at the inlet end and having a plurality of orifices, the second wall 21 transverse to fluid flow at the outlet end and having a plurality of orifices. The fluid flow control valve 11 also includes a pressure check piston 29 having a first 32 and second 34 end and a fluid flow orifice 31 between the first 32 and second 34 end, the piston 29 slidably engaging an orifice in the first wall 17 at the first end 32 and slidably engaging an orifice in the second wall 21 at the second end 34.

By contrast, the *Griinke* reference fails to disclose, teach or suggest a first and a second wall transverse to fluid flow with a movable valve member 12 slidably engaging an orifice in the first wall at the first end and slidably engaging an orifice in the second wall at the second end.

The moveable valve member 12 has a “conical first downstream face 54 which mates with valve seat 48” [col. 3, lines 20-21]. As shown in FIG. 2 of the *Grinke* reference, the valve seat 48 is conical and is not transverse to the fluid flow. While the downstream fitting 40 has a wall with an orifice, the movable valve member 12 does not slidably engage the orifice of the downstream fitting 40.

Similarly, the *Terry* reference fails to disclose, teach or suggest a first and a second wall transverse to fluid flow with a movable valve member 12 slidably engaging an orifice in the first wall at the first end and slidably engaging an orifice in the second wall at the second end. The valve 20 does not have a wall transverse to fluid flow with an orifice at the inlet port 22.

Accordingly, Applicants respectfully submit that independent claim 16 is distinguishable from the prior art references.

Claims 17-18 and 20 depend from Claim 16. Thus, these claims are patentably distinct from the references of record for the same reasons advanced above with respect to Claim 16.

Applicants accordingly submit that the present invention is more than adequately distinguished over any combination of the references of record by the presently pending claims, and is worthy of patent protection.

Applicants submit that all claims, at the time any inventions covered therein were made, are commonly owned by the Applicants and were assigned to Watkins Manufacturing Corporation on March 16, 2004.

In light of the above amendment and remarks, applicant believes that the claims remaining in this application are in condition for allowance, and respectfully requests that the claims be allowed and this application passed to issue.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as Express Mail No. EV 821 165 262 US under 37 CFR 1.10 addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on November 9, 2006.

By: Marc Fregoso

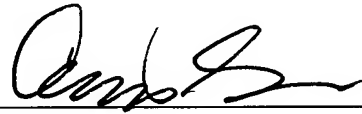
Marc Fregoso

Signature

Dated: November 9, 2006

Very truly yours,

SNELL & WILMER L.L.P.



Albin H. Gess

Registration No. 25,726

600 Anton Boulevard, Suite 1400

Costa Mesa, California 92626

Telephone: (714) 427-7020

Facsimile: (714) 427-7799